

REMARKS

Upon entry of the instant amendment, claims 1-15 and 17 remain pending in the present application. Claim 1 is independent.

In the instant amendment, claims 1 and 13 have been amended, and claim 16 has been cancelled. Specifically, claim 1 has been amended to include the subject matter of claim 16 and to correct minor informalities. Also, support for amended claim 1 can be found at page 3, lines 25-28, page 5, lines 1-2 and 10-12, and page 9, lines 20-21 of the present specification. Further, claim 13 has been amended to correct a minor informality. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

No new issues have been raised which would require additional search and/or consideration on the part of the Examiner. For instance, Applicants are simply relying upon the language of claim 16, which has already been searched and considered. In the event that the present submission does not place the application into condition for allowance, entry thereof is respectfully requested as placing the application into better form for appeal.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Claim Objection

Claim 1 is objected to because of certain informalities. Claim 1 has been amended to correct the typographical error as suggested by the Examiner.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 4, 7-13, and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tump (US 4,915,256) in view of Rebne et al. (US 5,019,125) or Rebne herein.

Claims 2, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tump and Rebne et al. or Rebne herein as applied to claim 1 above, in view of Kelly (US 4,817,819).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tump and Rebne et al. or Rebne herein as applied to claim 1 above, in view of Allison et al. (US 2,971,638) or Allison herein.

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tump and Rebne et al. or Rebne herein as applied to claim 1 above, in view of Ruoss et al. (US 3,199,489).

These rejections are respectfully traversed. While not conceding to the Examiner's rejections, in an effort to advance the prosecution only, claim 1 has been amended to further emphasize the distinctions. Applicants provide the following remarks.

The Present Invention and its Advantage

Claim 1 of the present invention includes a combination of elements and is directed to an encapsulated blister package formed as a disposable consumer package, comprising: a flat outer casing made of packaging board by folding and seaming and having at least one open edge; an inner part made of packaging board and having a base, and being folded for closing said open edge of the casing; and a disc formed as a blister package, wherein the inner part is disposed in the outer casing so that the inner part is slidably extractable at least partly from the open edge of the outer casing, the disc formed as a blister package is fitted rotatably onto the base of the inner part and, the base has an outlet opening below the disc so that products brought to the opening by rotating the disc can be released from the disc by pressing a respective blister and removed from the package through the opening.

By way of the claimed structure, a tablet can be extracted more simply from an encapsulated blister package than from a conventional package.

Distinctions over the Cited Art

Applicants believe that amended claim 1 is not obvious over the references cited by the Examiner and provide the following arguments.

The Examiner has indicated that Tump '256 would disclose a package "made of flat sheets or panels or packaging board" (see the bottom part of page 4 of the Office Action).

However, it is respectfully submitted that Tump '256 does not have such disclosure. Also, Rebne '125 and Kelly '819 fail to disclose or suggest a flat outer casing made of packaging board and an inner part made of packaging board as claimed. Accordingly, the deficiencies of Tump '256 cannot be cured by Rebne '125 and Kelly '819.

Specifically, the present invention provides an encapsulated blister package made by cheap recyclable materials so that the entire package can be disposed of as soon as the contents of the package are consumed. Rather, the cited references disclose dispensing devices for blister packages, which are designed for repeated use with only the inserted blister package being replaced when empty. To support such reuse, the dispensing devices of the cited references obviously must be made of materials more durable than packaging board. For example, the cover member 11 and the sliding tray member 12 of Rebne '125 are made of polymer materials as shown col. 4, lines 40-46 of the reference.

The materials for fabricating the cover and tray members 11 and 12, respectively, are styrene, polyethylene or polypropylene with polypropylene being preferred for the embodiment 110 because of the hinge 160.

Kelly '819 also discloses the cover 11 and the extractable tray 12 made of plastics as shown in col. 5, line 55, and col. 6, line 6 of the reference.

**a tray made of plastic for supporting the blister pack ...
a cover made of plastic and slidably receiving the tray member for covering
the contents of the container,**

Unlike Rebne 125 and Kelly '819, Tump '256 remains silent about the material for the dispenser as discussed above. Based on the disclosure and the Figures of the cited references, a

skilled person may contemplate only metal, plastics or other stiff and durable materials except for packaging board (paperboard or cardboard). Thus, the cited references individually or in combination cannot arrive at the claimed invention.

Indeed, the basic inventive concept in the present invention is to provide the board (paperboard or cardboard) box or casing conventionally used as the disposable outer shield of various consumer packages, including blister packages for medical pills and tablets, with respect to the outer casing of a dispenser, and to make the sliding inner part of such a dispenser also with disposable board materials. The inner part carries a disc-shaped blister package, which shall be disposed of after use of the pills or the like. The present invention does not require a blister pack or a number of blister packs of the prior art wherein the blister packs should be emptied by hand without any dispenser in the usual straightforward manner or wherein the blister packs were used as replacement inner parts in the dispensers, contained in an ordinary board box or casing. Instead, the present invention provides an integrated package, in which a single rotatable blister package is carried on a slidable inner part of an outer casing, and such slidable part and the outer casing form the sales package as well as a dispenser. This integrated package can be prepared by simple folding and seaming operations from an inexpensive recyclable board material. Therefore, the blister package of the present invention is not separated from the other parts of the package. Also, rotation of the disc-shaped blister package on the inner part drawn out from the outer casing allows controlled use of the pills or the like products in the package, as discussed in detail in the specification.

Accordingly, as set forth above, the present invention is not made obvious over the cited references.

As the MPEP directs, all the claim limitations must be taught or suggested by the prior art to establish a *prima facie* case of obviousness. See MPEP § 2143.03. In view of the fact that the cited references fail to teach or fairly suggest the claimed features, a *prima facie* case of anticipation or obviousness cannot be said to exist.

In light of the above remarks, since amended independent claim 1 of the present application are believed to overcome the 35 USC § 103(a) rejections, the claims dependent

therefrom are also believed to address the same rejections. Therefore, the Examiner is respectfully requested to withdraw these rejections.

CONCLUSION

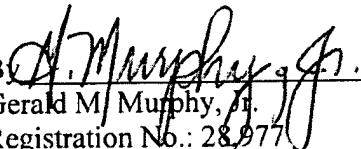
Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy, Jr., Reg. No. 28,977 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 20, 2009 (Monday)

Respectfully submitted,


By _____
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